

REMARKS

This is in response to the Office Action mailed on June 28, 2004, and the references cited therewith.

Claims 1, 8, and 15 are amended; as a result, claims 1-20 are now pending in this application.

Double Patenting Rejection

Claims 1-3, 15, 16 and 18 were rejected under the judicially created doctrine of obviousness-type double patenting over claims 1, 7, 13 and 19 of U.S. Patent No. 6, 675,093.

A Terminal Disclaimer in compliance with 37 CFR 1.321(b)(iv) is enclosed herewith to obviate these rejections. Therefore, the rejections with respect to these claims are no longer appropriate and should be withdrawn.

§102 Rejection of the Claims

Claims 1, 7, 15, 18 and 20 were rejected under 35 USC § 102(e) as being anticipated by Galkowski et al. (US 6,259,988). It is of course fundamental that in order to sustain an anticipation rejection that each and every element or step in the rejected claims must be taught or suggested in the cited reference.

Galkowski is directed to generating routes for airplanes. Galkowski lacks any teaching or a suggestion of a teaching where the routes are calculated from thoroughfare information or thoroughfare nodes. Applicants' amended independent claims 1, 8, and 15 now positively recite thoroughfare limitations, which are not taught or suggested in Galkowski. Thus, the rejections with respect to claims 1, 7, 15, 18, and 20 are no longer appropriate and should be withdrawn.

§103 Rejection of the Claims

Claims 2-6, 8, 10-14 and 17 were rejected under 35 USC § 103(a) as being unpatentable over Galkowski et al. in view of DeLorme et al. and Hayashi et al. (US 6,477,526). To sustain an obviousness rejection, each and every step or element in the rejected claims must be taught or suggested in the proposed combination of references.

Galkowski is designed to generate routes for aircrafts. Galkowski elaborates, at great length, how with even a small amount of data (as used in Galkowski), route processing and memory can become problematic and can impact the performance of route guidance. For example, the Examiner's attention is directed to column 10 of Galkowski lines 20 through 62 where it is stated: "for . . . large[r] environments . . . the time . . . to a solution, even by the above-described efficient SAS approach, may to be too long . . . and require more memory than can be practically allocated."

Galkowski's approach is not adapted to process cartographic data. It is designed to use the vector information described in Galkowski, which is associated with aircraft route guidance. There is no indication in Galkowski which suggests that Galkowski could handle more voluminous data, such as thoroughfare data. Moreover, Galkowski does not foresee or suggest the use of thoroughfare data. This is further evinced by Galkowski elaborate discussion of vectors in the route generation process; these vectors include vector leg lengths and aircraft angle. One of ordinary skill in the art would not know how to resolve a least cost node or how to populate the heap of Galkowski using thoroughfare information upon reading Galkowski, because there is no teaching or suggestion as to how this might be achieved. This is so, because Galkowski's techniques are geared exclusively toward aircraft route guidance.

Thus, a proposed combination of Delorme and Galkowski would result in a Personal Digital Assistant (PDA) which could be used by a pilot in an aircraft for generating the types of route guidance and manners of route guidance taught in Galkowski. However, one of ordinary skill in the art would not have been capable of creating route guidance for thoroughfares because there is no indication as to what parameters and how the techniques in Galkowski could be modified to achieve this.

As a result, Applicants respectfully assert that the proposed combination of Galkowski and DeLorme does not result in route guidance in the manners positively recited in Applicants' amended independent claims; because any such proposed combination would necessarily have to be associated with aircraft guidance, which would not include thoroughfare information. Therefore, Applicants respectfully request that the present rejections be withdrawn.

Claims 9 and 19 were rejected under 35 USC § 103(a) as being unpatentable over Galkowski et al. in view of DeLorme et al. and Hayashi et al. (US 6,477,526). Claim 9 is dependent from amended independent claim 8 and claim 19 is dependent from amended independent claim 15. Therefore, the rejections of claims 9 and 19 are no longer appropriate in view of the amendments and remarks presented above with respect to claims 8 and 15.

Claim 16 appears to be allowable by the Examiner, if accompanied with a terminal disclaimer and if rewritten in independent format; although the Examiner has not positively identified this to be the case in the present action. The Examiner indicates on page 11 that claim 16 is distinguishable over the references. Moreover, the Examiner has only levied a double-patenting rejection against claim 16, which has been overcome with the attached terminal disclaimer. Thus, Applicants respectfully request that the Examiner clarify the status of claim 16 in the Examiner's response hereto, so that Applicants have a clear picture of its status.

Serial Number:

Filing Date: November 21, 2003

Title: SYSTEMS, FUNCTIONAL DATA, AND METHODS FOR GENERATING A ROUTE

Conclusion

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at (513) 942-0224 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

MICHAEL CHILDS ET AL.

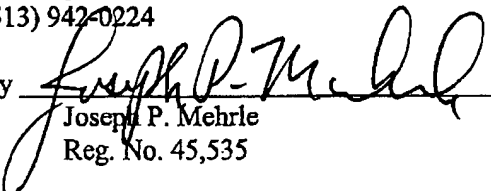
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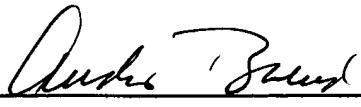
By


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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 28 day of September, 2004.

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